



Attorney Docket No: 017835/0362

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert SCHULZ et al.

Title: NANOCOMPOSITES WITH ACTIVATED INTERFACES PREPARED BY  
MECHANICAL GRINDING OF MAGNESIUM HYDRIDES AND USE FOR  
HYDROGEN STORAGE

Appl. No.: 09/529,910

Filing Date: June 28, 2000

Examiner: S. Ip

Art Unit: 1742

**RECEIVED**

OCT 28 2001

**TC 1700**

10 / 26  
10/23/01

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

The following is a response to the Restriction Requirement mailed September 21, 2001 in the above-identified application. It is believed that no fee is due, but should such a fee be due, consider this paragraph a request and authorization to charge the appropriate fee to Deposit Account No. 19-0741.

Applicants hereby provisionally elect with traverse Group I, claims 1-12 and 14, drawn to a process for preparing a Mg based nanocomposite, for prosecution in the present application.

The traversal is on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Furthermore, contrary to the examiner's assessment, the process claims are restricted to the preparation of the nanocomposite of claim 13 and the properties of the compound recited in this claim are obtained by the process of claims 1 to 12. The Examiner's example that the "process as claimed can be used to make other and materially different product such as RE(Mn, Al)<sub>2</sub> alloys." The alloys the Examiner mentions do not contain magnesium. Furthermore, using the process of the present invention would not result in a nanocomposite, but rather an amorphous alloy.

Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

Date Oct. 19, 2007

By Mary [Signature] Reg #41,545

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